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OF COUNSEL

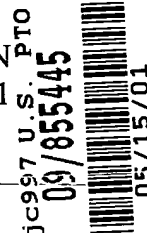
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EXPRESS MAIL LABEL NO.: EL 569 074 810 US

PATENT APPLICATION  
Docket No.: 13768.35.25.1.1



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

### TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- ☒ Form PTO-1449 list of sixteen (16) references submitted for consideration.
- ☐ Legible copies of the listed references or their relevant portions.
- ☐ All English translations of each nonenglish reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

- ☐ Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.

\_\_\_ Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.

X Statement that certain listed references not enclosed were previously cited by or submitted to the Office in the identified prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

X Legible Copies of previously filed Information Disclosure Statement for application Serial No. 09/353,304, filed July 13, 1999.

In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

\_\_\_ Promptness Certification.

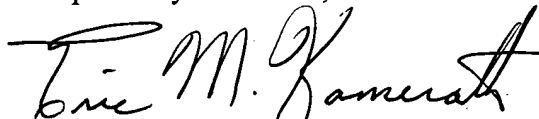
\_\_\_ Check No. \_\_\_\_\_ in the amount of \$240.00 constituting submission fee under 37 C.F.R. 1.17(p);

\_\_\_ Petition for Consideration and Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.

X In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Promptness Certification meets the requirements of 37 C.F.R. § 1.97(e), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 15 day of May, 2001.

Respectfully submitted,



ERIC M. KAMERATH  
Attorney for Applicant  
Registration No. 46,081



**022913**

PATENT TRADEMARK OFFICE

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PATENT APPLICATION  
Docket No.: 13768.35.25.1.1

jlc997 U.S. PTO  
09/855445  
05/15/01

Joseph Paul-Emile Pierre Cote, et al.

- ) Art Unit
- ) unknown

~~Confirmation No.:~~ unknown

For: **SYSTEM AND METHOD FOR MONITORING  
SERVER PERFORMANCE USING A SERVER**

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of

which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

Statement of References Previously Disclosed  
Under 37 C.F.R. § 1.98(d)

The following listed references are not enclosed because, under 37 C.F.R. § 1.98(d), they were previously cited by or submitted to the Office in application number 09/353,304, filed on July 13, 1999, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

U.S. Patent Documents

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5,218,699	5,283,856	5,506,955	5,684,945
5,230,051	5,414,858	5,619,656	5,696,486
5,247,676	5,491,791	5,631,949	5,748,896
			5,802,303

Other Documents

Shirley, John and Rosenberry, Ward, "*Microsoft RPC Programming Guide*," O'Reilly Associates, 1995.

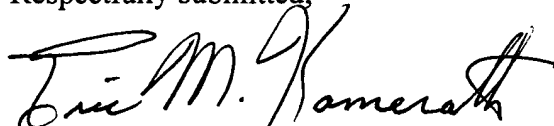
Kramer, Matt, "*Baranof's MailCheck 2.6 Delivers Improved Tools*," PC Week, September 11, 1995, Ziff-David Publishing Company, 1995.

Frenkel, Gary, "*cc: Mail View Keeps an Eye on Your Messaging System*," Network Computing, June 1, 1995, CMP Publications, Inc., 1995.

Please credit any over payment or charge any additional fees to Deposit Account  
No. 3-3178 of the undersigned.

Dated this 15 day of May, 2001.

Respectfully submitted,



ERIC M. KAMERATH  
Attorney for Applicant  
Registration No. 46,081



**022913**

PATENT TRADEMARK OFFICE

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EXPRESS MAIL LABEL NO.: EL 569 074 810 US

Form PTO-1449

Sheet 1 of 3

Applicant: Joseph Paul-Emile Pierre Cote, et al.

Serial No.: unknown

Att'y Docket No.: 13768.35.25.1.1

Filing Date: May 11, 2001

Group: unknown

For: SYSTEM AND METHOD FOR MONITORING SERVER  
PERFORMANCE USING A SERVER

jc997 U.S. PRO  
09/855445  
05/15/01

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANT

U.S. Patent Documents

<u>Examiner Initial*</u>	<u>Patent Number</u>	<u>Issue Date</u>	<u>Name</u>	<u>Class</u>	<u>Sub Class</u>	<u>Filing Date</u>
_____ A1.	5,218,699	06/08/93	Brandle et al.	395	650	06/08/92
_____ A2.	5,230,051	07/20/93	Quan	395	700	09/04/90
_____ A3.	5,247,676	09/21/93	Ozur et al.	395	650	02/04/92
_____ A4.	5,283,856	02/01/94	Gross et al.	395	51	10/04/91
_____ A5.	5,414,858	05/09/95	Hoffman et al.	395	725	12/11/92
_____ A6.	5,491,791	02/13/96	Glowny et al.	395	183.13	01/13/95
_____ A7.	5,506,955	04/09/96	Chen et al.	395	183.02	12/01/94
_____ A8.	5,619,656	04/08/97	Graf	395	200.11	05/05/94
_____ A9.	5,631,949	05/20/97	Milton et al.	379	67	05/22/95
_____ A10.	5,684,945	11/04/97	Chen et al.	395	182.18	04/16/96
_____ A11.	5,696,486	12/09/97	Poliquin et al.	340	506	11/16/95
_____ A12.	5,748,896	05/05/98	Daly et al.	395	200.53	12/27/95
_____ A13.	5,802,303	09/01/98	Yamaguchi	395	200.54	08/01/95

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXPRESS MAIL LABEL NO.: EL 569 074 810 US

Form PTO-1449

Sheet 2 of 3

Applicant: Joseph Paul-Emile Pierre Cote, et al.

Serial No.: unknown

Att'y Docket No.: 13768.35.25.1.1

Filing Date: May 11, 2001

Group: unknown

For: SYSTEM AND METHOD FOR MONITORING SERVER  
PERFORMANCE USING A SERVER

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Other Documents

(including author (if listed), title, relevant pages, date of publication including at least month and year).

Examiner

Initial\*

- 
- \_\_\_\_\_ A14. Shirley, John and Rosenberry, Ward, "*Microsoft RPC Programming Guide*," O'Reilly Associates, 1995.
- \_\_\_\_\_ A15. Kramer, Matt, "*Baranof's MailCheck 2.6 Delivers Improved Tools*," PC Week, September 11, 1995, Ziff-David Publishing Company, 1995.
- \_\_\_\_\_ A16. Frenkel, Gary, "*cc: Mail View Keeps an Eye on Your Messaging System*," Network Computing, June 1, 1995, CMP Publications, Inc., 1995.

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Examiner:

Date Considered:

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EXPRESS MAIL LABEL NO.: EL 569 074 810 US

Form PTO-1449

Sheet 3 of 3

Applicant: Joseph Paul-Emile Pierre Cote, et al.

Serial No.: unknown

Att'y Docket No.: 13768.35.25.1.1

Filing Date: May 11, 2001

Group: unknown

For: SYSTEM AND METHOD FOR MONITORING SERVER  
PERFORMANCE USING A SERVER

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### References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	)
	)
Joseph Paul-Emile Pierre Cote, et al.	)
	)
Serial No.: 09/353,304	)
	) 2756
Filed: July 13, 1999	)
	)
For: SYSTEM AND METHOD FOR MONITORING	)
SERVER PERFORMANCE USING A SERVER	)

jc997 U.S. PTO  
09/855445  
05/15/01

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Assistant Commissioner for Patents  
Washington, DC 20231

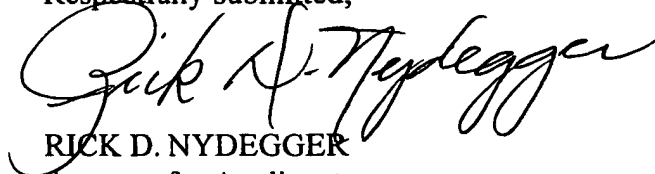
Sir:

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In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

Dated this 1 day of MARCH, 2000.

Respectfully submitted,



RICK D. NYDEGGER  
Attorney for Applicant  
Registration No. 28,651.

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Facsimile: (801) 328-1707

RDN:dms

Enclosures

Docket: 13768.35.25.1

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Applicant: Joseph Paul-Emile Pierre Cote, et al.

Serial No.: 09/353,304

Att'y Docket No. 13768.35.25.1

Filing Date: July 13, 1999

Group: 2756

For: SYSTEM AND METHOD FOR MONITORING SERVER PERFORMANCE USING  
A SERVERINFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Patent Number</u>	<u>Issue Date</u>	<u>Name</u>	<u>Class</u>	<u>Sub Class</u>	<u>Filing Date</u>
A1	5,218,699	06/08/93	Brandle et al.	395	650	06/08/92
A2	5,230,051	07/20/93	Quan	395	700	09/04/90
A3	5,247,676	09/21/93	Ozur et al.	395	650	02/04/92
A4	5,283,856	02/01/94	Gross et al.	395	51	10/04/91
A5	5,491,791	02/13/96	Glowny et al.	395	183.13	01/13/95
A6	5,506,955	04/09/96	Chen et al.	395	183.02	12/01/94
A7	5,619,656	04/08/97	Graf	395	200.11	05/05/94
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A9	5,414,858	05/09/95	Hoffman et al.	395	725	12/11/92
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A12	5,748,896	05/05/98	Daly et al.	395	200.53	12/27/95
A13	5,802,303	09/01/98	Yamaguchi	395	200.54	08/01/95

jc997 U.S. PTO  
09/855445  
05/15/01

Examiner:

Date Considered:

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Applicant: Joseph Paul-Emile Pierre Cote, et al.  
 Serial No.: 09/353,304  
 Filing Date: July 13, 1999  
 For: SYSTEM AND METHOD FOR MONITORING SERVER PERFORMANCE USING A SERVER

Att'y Docket No. 13768.35.25.1  
 Group: 2756

### Other Documents

(including author (if listed), title, relevant pages, date of publication including at least month and year).

Examiner  
Initial\*

_____ A14	Shirley, John and Rosenberry, Ward, " <i>Microsoft RPC Programming Guide</i> ," O'Reilly Associates, 1995.
_____ A15	Kramer, Matt, " <i>Baranof's MailCheck 2.6 Delivers Improved Tools</i> ," PC Week, September 11, 1995, Ziff David Publishing Company, 1995.
_____ A16	Frenkel, Gary, " <i>cc: Mail View Keeps an Eye on Your Messaging System</i> ," Network Computing, June 1 1995, CMP Publications, Inc., 1995.

### **References Cited by Applicants**

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The reference designations "A1", "A2", etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A", "B", "C", etc. on Office Action Form PTO-1142.

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Examiner:

Date Considered:

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